

AMENDMENTS TO LB 658

Introduced by Dierks, 40

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 Section 1. On the effective date of this act, the Class
4 I, II, III, IV, V, and VI school districts which were organized
5 as such immediately before December 1, 2005, shall be reorganized
6 according to the boundaries on file with the State Department of
7 Education on November 30, 2005.

8 Sec. 2. Section 1 of this act does not apply to any
9 school district which was reorganized by means other than Laws
10 2005, LB 126, so long as the reorganization order was entered on
11 or before November 30, 2005, notwithstanding the effective date of
12 boundary changes of any such order.

13 Sec. 3. The school board or board of education of each
14 school district reorganized pursuant to section 1 of this act
15 shall consist of the persons who were serving in that capacity
16 on November 30, 2005. If any member is unable to serve due to
17 death, illness, or change of residence, the remaining members shall
18 appoint a legal voter of the school district to fill the vacancy
19 on such board. Members of the school boards or boards of education
20 serving pursuant to this section shall serve terms of two years and
21 until their successors are elected and qualified.

22 Sec. 4. Within sixty days after the effective date of
23 this act, each Class I district referred to in section 1 of this

1 act shall call a special meeting of the board of education and
2 the legal voters of each such Class I district for purposes of
3 ascertaining whether such legal voters desire such Class I district
4 to remain in existence. In the absence of an affirmative vote by
5 fifty-five percent of the legal voters of such district who are in
6 attendance and voting on the matter at such special meeting to the
7 contrary, the Class I district shall be legally presumed to be in
8 existence and duly constituted.

9 The special meeting referred to in this section shall
10 be called by posting notice in three public places within the
11 boundaries of the Class I district at least five days before the
12 meeting. The notice shall state the purpose of the meeting and
13 shall contain the agenda of the meeting.

14 Sec. 5. If, at the special meeting described in section
15 4 of this act the legal voters of the Class I district, by a
16 fifty-five percent majority vote of those present and voting, vote
17 to dissolve the district, the secretary of the Class I school
18 district school board shall forward to the State Committee for
19 the Reorganization of School Districts, within ten days after such
20 special meeting, a copy of the notice of the call of such special
21 meeting including the agenda items, the names of the persons moving
22 and seconding the issue of dissolution of the district, the number
23 of votes cast in favor of the motion, the number of votes cast
24 against the motion, the number of legal voters present and voting
25 at such meeting, and the number of legal voters present and not
26 voting, if any.

27 Sec. 6. For school fiscal years 2007-08 and 2008-09,

1 each Class I school district which is reestablished pursuant to
2 sections 1 to 4 of this act shall be entitled to a budget at least
3 equal to the budget it had for school fiscal year 2005-06. Such
4 budget may include cash reserves not to exceed forty-five percent
5 of the general fund budget. In addition to the general fund budget
6 referred to in this section, each school district reestablished
7 under sections 1 to 4 of this act shall be entitled to exceed the
8 levy limitations set forth in sections 77-3442 to 77-3444, without
9 a vote of the people, for the purpose of paying for any costs
10 incurred as a result of the enactment of Laws 2005, LB 126, and its
11 subsequent repeal.

12 Sec. 7. Nothing in sections 1 to 6 of this act shall be
13 construed to prevent any such district from availing itself of any
14 other levy limit exemptions provided by law.

15 Sec. 8. Any school district or local system affected by
16 the enactment of Laws 2005, LB 126, and its subsequent repeal may,
17 in addition to the budget authority set forth in the Tax Equity
18 and Educational Opportunities Support Act, exceed the budget limits
19 contained in the act for school fiscal years 2007-08 and 2008-09
20 to pay for additional costs, expenses, salaries, transportation
21 equipment, excess staff, or any other cost or expense resulting
22 from the enactment of Laws 2005, LB 126, and its subsequent repeal.

23 Exceptions to levy limitations and budget limitations
24 described in this section and section 6 of this act shall
25 be identified to the appropriate county clerks, and the levy
26 identified by the affected school boards shall be levied.

27 Sec. 9. Section 32-1206, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 32-1206 ~~Any~~ Except as provided in section 4 of this act,
3 any election not otherwise provided for in sections 32-1203 to
4 32-1205 which is conducted by the election commissioner or county
5 clerk shall be paid for by the entity holding the election.

6 Sec. 10. Section 79-403, Revised Statutes Cumulative
7 Supplement, 2006, as affected by Referendum 2006, No. 422, is
8 amended to read:

9 79-403 (1) Except as provided in subsections (2) and (3)
10 of this section, no new school district shall be created unless
11 such district provides instruction in kindergarten through grade
12 twelve.

13 (2) A new Class VI school district may be created if:

14 (a) Such Class VI school district will include at least
15 two or more previously existing Class II or Class III school
16 districts, except that if a reorganization petition for formation
17 of a Class VI school district is initiated by a petition signed by
18 fifty-five percent of the legal voters of a Class II or III school
19 district, then such Class VI school district may include only one
20 Class II or III school district; and

21 (b) The enrollment of the new Class VI school district
22 is (i) at least one hundred twenty-five pupils if the district
23 offers instruction in grades nine through twelve, (ii) at least one
24 hundred seventy-five pupils if the district offers instruction in
25 grades seven through twelve, or (iii) at least two hundred students
26 if the district offers instruction in grades six through twelve,
27 except that if such district will have population density of less

1 than three persons per square mile, then the enrollment shall be
2 at least seventy-five students if the district offers instruction
3 in grades nine through twelve, at least one hundred students if
4 the district offers instruction in grades seven through twelve, or
5 at least one hundred twenty-five students if the district offers
6 instruction in grades six through twelve.

7 (3) One or more new Class I districts may be created
8 as provided in sections 1 to 8 of this act or as a part of a
9 reorganization petition pursuant to subsection (2) of this section.

10 Sec. 11. Section 79-415, Revised Statutes Cumulative
11 Supplement, 2006, as affected by Referendum 2006, No. 422, is
12 amended to read:

13 79-415 (1) In addition to the petitions of legal voters
14 pursuant to section 79-413 and the method provided in sections 1
15 to 8 of this act, changes in boundaries and the creation of a new
16 school district from other districts may be initiated and accepted
17 by the school board or board of education of any district that is
18 not a member of a learning community.

19 (2) In addition to the petitions of legal voters pursuant
20 to section 79-413, the affiliation of a Class I district or portion
21 thereof with one or more Class II, III, IV, or V districts may be
22 initiated and accepted by:

23 (a) The board of education of any Class II, III, IV, or V
24 district; and

25 (b) The school board of any Class I district in which is
26 located a city or incorporated village.

27 Sec. 12. Section 79-479, Revised Statutes Cumulative

1 Supplement, 2006, as affected by Referendum 2006, No. 422, is
2 amended to read:

3 79-479 (1)(a) Beginning January 1, 1992, any school
4 district boundaries changed by the means provided by Nebraska law,
5 but excluding the method provided by sections 79-407, ~~and~~ 79-473
6 to 79-475, or sections 1 to 8 of this act, shall be made only
7 upon an order issued by the State Committee for the Reorganization
8 of School Districts or county clerk. The state committee shall
9 not issue an order changing boundaries relating to affiliation of
10 school districts if twenty percent or more of any tract of land
11 under common ownership which is proposing to affiliate is not
12 contiguous to the high school district with which affiliation is
13 proposed unless (i) one or more resident students of the tract of
14 land under common ownership has attended the high school program of
15 the high school district within the immediately preceding ten-year
16 period or (ii) approval of the petition or plan would allow
17 siblings of such resident students to attend the same school as the
18 resident students attended.

19 (b) The order issued by the state committee shall be
20 certified to the county clerk of each county in which boundaries
21 are changed and shall also be certified to the State Department of
22 Education. Whenever the order changes the boundaries of a school
23 district due to the transfer of land, the county assessor, the
24 Property Tax Administrator, and the State Department of Education
25 shall be provided with the legal description and a map of the
26 parcel of land which is transferred. Such order shall be issued
27 no later than June 1 and shall have an effective date no later

1 than August 1 of the same year. For purposes of determining
2 school district counts pursuant to sections 79-524 and 79-578
3 and calculating state aid allocations pursuant to the Tax Equity
4 and Educational Opportunities Support Act, any change in school
5 district boundaries with an effective date between June 1 and
6 August 1 of any year shall be considered effective July 1 of such
7 year.

8 (2) Unless otherwise provided by sections 1 to 8 of
9 this act or other state law or by the terms of an affiliation
10 or reorganization plan or petition which is consistent with state
11 law, all assets, including budget authority as provided in sections
12 79-1023 to 79-1030, and liabilities, except bonded obligations, of
13 school districts merged, dissolved, or annexed shall be transferred
14 to the receiving district or districts on the basis of the
15 proportionate share of assessed valuation received at the time of
16 reorganization. When a Class II, III, IV, or V school district
17 becomes a Class I school district:

18 (a) Which becomes part of a Class VI district which
19 offers instruction in grades six through twelve, 37.9310 percent of
20 the Class II, III, IV, or V district's assets and liabilities shall
21 be transferred to the new Class I district and the remainder shall
22 be transferred to the Class VI district or districts of which the
23 Class I district becomes a part on the basis of the proportionate
24 share of assessed valuation each high school district received at
25 the time of such change in class of district;

26 (b) Which becomes part of a Class VI district which
27 offers instruction in grades seven through twelve, 44.8276 percent

1 of the Class II, III, IV, or V district's assets and liabilities
2 shall be transferred to the new Class I district and the remainder
3 shall be transferred to the Class VI district or districts of
4 which the Class I district becomes a part on the basis of the
5 proportionate share of assessed valuation each high school district
6 received at the time of such change in class of district; or

7 (c) Which is affiliated or becomes part of a Class VI
8 district which offers instruction in grades nine through twelve,
9 61.3793 percent of the Class II, III, IV, or V school district's
10 assets and liabilities shall be transferred to the new Class I
11 district and the remainder shall be transferred to the Class VI
12 district or districts of which the Class I district becomes a part
13 and to the high school district or districts with which the Class I
14 district is affiliated on the basis of the proportionate share of
15 assessed valuation each high school district received at the time
16 of such change in class of district.

17 Sec. 13. Any certificated employee, as defined in
18 subsection (1) of section 79-824, who as a result of the enactment
19 of Laws 2005, LB 126, became employed by a Class II, III, IV, V, or
20 VI school district and who was under an employment contract with a
21 Class I school district on June 14, 2006, shall be reassigned and
22 reallocated to the Class I district to which he or she was under
23 contract on such date and shall remain employed by the Class I
24 district under the terms and conditions of the employment contract
25 between such certificated employee and the Class II, III, IV, V, or
26 VI district at the time he or she is reassigned and reallocated to
27 the Class I district. Such employment contract shall remain in full

1 force and effect until nonrenewed, terminated, canceled, or amended
2 pursuant to sections 79-824 to 79-842 or other applicable law.

3 Sec. 14. Any cost in addition to the cost that would
4 have been incurred by any Class II, III, IV, V, or VI district
5 as a result of the enactment of Laws 2005, LB 126, relating to
6 the compensation such certificated employee may be accounted for in
7 the budget of the applicable Class II, III, IV, V, or VI district,
8 or the Class I district, as appropriate, and may constitute an
9 exemption to applicable allowable budget growth rate and applicable
10 levy limitations placed upon such districts. Such exceptions shall
11 be allowable for school fiscal years 2007-08 and 2008-09.

12 Sec. 15. Any Class I district reestablished as a result
13 of sections 1 to 8 of this act shall have levy authority and
14 budget authority separate and distinct from the budget and levy
15 authority of its principal Class II, III, IV, V, or VI district
16 for purposes of reconciling any lost revenue and assets as a result
17 of the enactment of Laws 2005, LB 126, as well as any increased
18 liabilities resulting from its reestablishment under such sections.
19 Such budget and levy authority shall exist for school fiscal years
20 2007-08 and 2008-09, after which the budget and levy authority of
21 any Class I reestablished as a result of the repeal of Laws 2005,
22 LB 126, shall be as provided by section 79-1027.

23 Sec. 16. Any Class I district reestablished and remaining
24 established for school fiscal years 2007-08 and 2008-09 shall
25 have the authority to borrow up to one hundred percent of
26 its established budget for purposes of funding its budgets as
27 established by section 15 of this act.

1 Sec. 17. Any Class I district reestablished and remaining
2 established for school fiscal years 2007-08 and 2008-09 shall have
3 returned to it all of its physical assets within ninety days
4 after the effective date of this act, except that any Class I
5 district which by a special vote of its legal voters has received
6 authority to dispose of its building and physical assets as excess
7 property may be dissolved by order of the State Committee for
8 the Reorganization of School Districts upon the forwarding by such
9 Class I district to the state committee of notice, agenda, minutes,
10 and recorded vote relating to such vote to dispose of its buildings
11 and physical assets.

12 For purposes of this section, physical assets means the
13 schoolhouse, equipment, supplies, books, audio-visual equipment,
14 computers, desks, furniture, and tangible property of any kind
15 which belonged to the Class I district on June 14, 2006.

16 Sec. 18. The Revisor of Statutes shall assign sections 1
17 to 8 of this act within Chapter 79.

18 Sec. 19. If any section in this act or any part of any
19 section is declared invalid or unconstitutional, the declaration
20 shall not affect the validity or constitutionality of the remaining
21 portions.

22 Sec. 20. Original section 32-1206, Reissue Revised
23 Statutes of Nebraska, and sections 79-403, 79-415, and 79-479,
24 Revised Statutes Cumulative Supplement, 2006, as affected by
25 Referendum 2006, No. 422, are repealed.

26 Sec. 21. Since an emergency exists, this act takes effect
27 when passed and approved according to law.